

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

K.S.S.,

Plaintiff,

v.

MONTGOMERY COUNTY BOARD OF  
COMMISSIONERS, MONTGOMERY COUNTY  
OFFICE OF CHILDREN AND YOUTH,  
COUNTY OF MONTGOMERY, and  
THOMAS D. DIAMOND,

Defendants.

CIVIL ACTION

NO. 12-816

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of *May*, 2012, upon consideration of Defendants' Motion to Dismiss Counts V through VIII of Plaintiff's Complaint (Docket No. 2), and Plaintiff's Response in Opposition (Docket No. 3), it is hereby **ORDERED** that Defendants' Motion (Docket No. 2) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Dismiss the 42 U.S.C. § 1983 claims independently asserted against Defendants Montgomery County Board of Commissioners ("the Board") and Montgomery County Office of Children and Youth ("MCOCY") (Counts V and VI) is **GRANTED** and all claims asserted against the Board and MCOCY as entities separate from the County of Montgomery are **DISMISSED**;
2. Defendants' Motion is **GRANTED** to the extent Plaintiff's claims allege deprivations of his Fifth Amendment procedural and substantive due process rights;
3. Defendants' Motion is **GRANTED** to the extent Plaintiff's claims allege deprivations of his Fourteenth Amendment procedural due process rights, but **DENIED** to the extent the claims allege deprivations of his Fourteenth Amendment substantive due process rights;

4. Defendants' Motion to Dismiss Plaintiff's request for punitive damages is **GRANTED**;
5. Defendants' Motion to Dismiss the remainder of Plaintiff's claims pursuant to Federal Rule of Civil Procedure 12(b)(6) is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S.J.